

Message Text

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ACTION AF-10

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FM AMEMBASSY MASERU
TO SECSTATE WASHDC PRIORITY 8332
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LIMITED OFFICIAL USE SECTION 1 OF 2 MASERU 0558

E.O. 11652: N/A
TAGS: SHUM, LT
SUBJECT: GOL RESPONSE TO HUMAN RIGHTS REPORT

1. BEGIN UNCLASSIFIED. SUMMARY. POST RECEIVED A FORMAL,
OFFICIAL RESPONSE TO THE HUMAN RIGHTS REPORT PRESENTED TO CONGRESS,
JANUARY 1978. THE RESPONSE IS CALLED A CLARIFICATION OF THE ISSUES
AND CONTAINS A GREAT DEAL OF HISTORY WRITTEN FROM THE BASOTHO
NATIONAL PARTY (BNP) POINT OF VIEW. END SUMMARY.

2. THE FIRST SECTION OF THE RESPONSE IS TITLED, "THE STRUCTURE OF
THE GOVERNMENT OF LESOTHO", AND CONTAINS AN EXPLANATION OF THE
1965 AND 1970 ELECTIONS: HOW THE BNP WAS THE SURPRISE VICTOR IN
1965 AND HOW THE BCP (BASOTHO LAND CONGRESS PARTY) BROUGHT ABOUT
THE NULLIFICATION OF THE 1970 ELECTION RESULTS BY THE USE OF
COERCION AND CORRUPTION AT THE POLLS.

3. THE DRAFTING OF THE INDEPENDENCE CONSTITUTION IS DISCUSSED IN
THIS SAME SECTION OF THE RESPONSE. CHAPTER II OF THE CONSTITUTION,
WHICH WAS ENTITLED "PROTECTION OF FUNDAMENTAL HUMAN RIGHTS AND
FREEDOMS", IS MENTIONED AS SHOWING THE EARLY INTEREST OF THE
BNP AND GOL IN HUMAN RIGHTS, AS THE BNP ALLEGEDLY HAD INSISTED
ON INCLUSION OF THIS CHAPTER IN THE CONSTITUTION. THE SUSPENSION OF
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THE CONSTITUTION IS EXPLAINED AS BEING THE RESULT OF THE FOLLOWING
CIRCUMSTANCES:

A. THE CONSTITUTION PROVIDED FOR A MINIMUM LIFE OF PARLIAMENT FOR
FIVE YEARS. THEREFORE, PARLIAMENT WAS DISSOLVED AND ELECTIONS
CALLED IN 1970.

B. WIDESPREAD IRREGULARITIES OCCURED, BEFORE, DURING AND AFTER THE ELECTIONS. AS A RESULT, THE ELECTIONS WERE NULLIFIED AND A STATE OF EMERGENCY WAS DECLARED.

C. THE CONSITUTION ALLOWED FOR A STATE OF EMERGENCY AND CONVENING OF PARLIAMENT WITHIN FOURTEEN DAYS. THERE WAS NO PARLIAMENT TO CONVENE, SO THE CONSTITUTION HAD TO BE SUSPENDED SINCE IT DID NOT COVER THE SITUATION THAT EXISTED AT THE TIME.

4. THE SECOND SECTION CONCERNING "THE CONSITUTION IN LESOTHO" IS A LONG DEFENSE OF THE IDEA THAT THERE IS A CONSTITUTION IN LESOTHO BECAUSE THE JUDICIARY, THE LEGISLATURE AND THE EXECUTIVE STILL EXIST. A DESCRIPTION OF THE COMPOSITION AND HISTORY OF THE CREATION OF THE INTERIM NATIONAL ASSEMBLY IS INCLUDED. IT IS DESCRIBED AS A "UNIQUE PARLIAMENT" AND ONE THAT MEETS THE NEEDS AND ASPRIATIONS OF THE BASOTHO.

5. IN THE SECTION ON "RESPECT FOR CIVIL AND POLITICAL LIBERTIES INCLUDING FREEDOM OF THOUGHT, SPEECH, PRESS, RELIGION AND ASSEMBLY," THE REPLY TAKES UMBRAGE AT THE USE OF THE WORD "CONTROL" IN DESCRIBING GOL'S RELATIONSHIP TO THE PRESS AND RADIO. "OWNED" IS THE PREFERRED WORD AND THE PUBLIC, IT IS SAID, IS FREE TO USE THESE FACILITIES.

6. THE NEXT SECTION OF THE RESPONSE CONCERNS "RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING (A) TORTURE, (B) CRUEL, INHUMAN LIMITED OFFICIAL USE

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OR DEGRADING TREATMENT OR PUNISHMENT, (C) ARBITRARY ARREST OR IMPRISONMENT, (D) DENIAL OF A FAIR, PUBLIC TRIAL, (E) INVASION OF THE HOME." THE TONE OF THIS SECTION REFLECTS MORAL OUTRAGE AND ACCUSES THE WRITER OF THE HUMAN RIGHTS REPORT OF "SELF-CONTRADICTION" BECAUSE THE ALLEGATIONS IN THE REPORT COULD NOT BE TRUE GIVEN THE HISTORY OF LESOTHO.

7. UNDER "FREEDOM OF MOVEMENT," THE CLAIM THAT LESOTHO PASSPORTS ARE NO LONGER VALID FOR TRAVEL TO BOTSWANA IS DENIED. THE GOL RESPONSE STATES THAT BASOTHO CAN TRAVEL TO BOTSWANA IF THEY HAVE VALID PASSPORTS. IT GOES ON TO DESCRIBE TWO TYPES OF REFUGEES FROM LESOTHO: (1) "FULL-FLEDGED COMMON LAW-TYPE CRIMINALS" AND (2) THOSE WHO WERE "INVOLVED IN ACTS OF ARSON AND VIOLENCE IN JANUARY 1974, AND ESCAPED THE ARM OF THE LAW."

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8. ATTACHED TO THE RESPONSE IS AN ARTICLE WRITTEN BY AN EX-SOLICITOR-GENERAL IN LESOTHO, MR. MITCHELL (AUSTRALIAN). HIS FIVE PAGE ARTICLE CALLED "CONSTITUTIONAL GOVERNMENT IN LESOTHO" EMPHASIZES THAT ALTHOUGH THERE IS NO CONSTITUTION, MANY OF THE ITEMS PROVIDED FOR IN THE OLD CONSTITUTION WERE INTRODUCED INTO THE LAW OF LESOTHO AND THEREFORE IT COULD BE SAID THAT THERE IS A FORM OF CONSTITUTIONAL RULE.

ANOTHER ATTACHMENT IS A LETTER TO MS. SUSANNE KASPER (WEST GERMANY ADDRESS) REGARDING ONE MR. R. NTAINYANA, WHO WAS FOUND GUILTY OF HIGH TREASON. THE LETTER DESCRIBES A VISIT TO HIM BY THE THEN SENIOR PRIVATE SECRETARY TO THE PRIMIN THAT RESULTED FROM MS. KASPER'S LETTER REGARDING HIS IMPRISONMENT. ACCORDING TO THE LETTER, MR. NTAINYANA SAID HE HAD RECEIVED A FAIR TRIAL AND WAS BEING WELL TREATED IN JAIL.

THE THIRD, AND LAST, ATTACHMENT IS A STATEMENT SIGNED BY ALL PARTY LEADERS ON APRIL 30, 1970, INDICATING THAT THE SIGNATORIES AGREED THAT THE JANUARY 27, 1970 ELECTIONS BE DISREGARDED. SIGNATORIES ARE LEABUA JONATHAN (BNP), NTSU MOKHEHLE (BCP), TS'EPO MOHALEROE (MFP), AND CHARLES MOLEFI (UDP). END UNCLASSIFIED

9. BEGIN LIMITED OFFICIAL USE. COMMENT: SOME OF THE MAJOR POINTS
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OF THE HUMAN RIGHTS REPORT, E.G. POLITICAL PRISONERS, WERE NOT TOUCHED ON IN THE RESPONSE, WHILE SOME VERY MINOR POINTS WERE, E.G. IF THE ADJECTIVE "SMALL" IS ACCURATE IN DESCRIBING THE RELIGIOUS NEWSPAPERS. THE RESPONSE IS A STRONG HISTORICAL APOLOGIA FOR THE ACTIONS OF THE GOVERNMENT IN SETTING ASIDE THE RESULTS OF THE 1970 ELECTIONS AND SUSPENDING THE CONSTITUTION. IT IS WEAK

ON THE PRESENT PROBLEMS OF HUMAN RIGHTS' OBSERVANCE IN LESOTHO.
THIS IS INTERESTING, CONSIDERING GOL'S EXPRESSED PREFERENCE FOR
THE HUMAN RIGHTS REPORT TO DE-EMPHASIZE THE PAST AND STRESS THE
PRESENT.

THE RESPONSE USES SOME STRONG WORDS IN DESCRIBING THE HUMAN RIGHTS
REPORT AND ITS WRITER. IT IS NECESSARY TO KEEP IN MIND THAT THIS
RESPONSE WAS WRITTEN IN ANGER AND MORAL OUTRAGE. END COMMENT.
END LIMITED OFFICIAL USE.

10. BEGIN UNCLASSIFIED. CHARGE WAS TOLD BY ACTING FONMIN KOTSOKOANE
THAT LESOTHO HUMAN RIGHTS REPORT IS TO BE DISCUSSED IN CONGRESS
THIS WEEK. POST WOULD LIKE TO KNOW IF THIS IS TRUE AND WOULD
APPRECIATE ANY DETAILS.

10. COPY OF TEXT OF RESPONSE IS BEING POUCHED TO AF/S. END
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Message Attributes

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